

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application Of:	)	
	)	
Needleman et al.	)	Group Art Unit 1642
	)	
Serial No. 09/387,340	)	Examiner: Minh-Tam Davis
	)	
Filed: August 31, 1999	)	Atty. Docket: MON-102.0-C3119-C
	)	061765.00367
Continued Prosecution Application	)	
Filed: January 4, 2002	)	
	)	
	)	

For: AN IMMUNOLOGICAL PROCESS FOR INCREASING HDL CHOLESTEROL  
CONCENTRATION (AS AMENDED)

DECLARATION OF PHILIP NEEDLEMAN AND KEVIN GLENN PURSUANT TO  
37 C.F.R. §1.131

The Honorable Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

We, PHILIP NEEDLEMAN, Ph.D. and KEVIN GLENN, Ph.D. hereby declare as follows:

1. We are the Philip Needleman and Kevin Glenn that are the named inventors of the above-identified patent application.
2. We conceived the invention claimed in the subject application prior to November 7, 1996 (the date of publication of WO 96/34888) as evidenced by Exhibit 1, appended hereto, which is a true copy of our Disclosure of Invention for the invention described in the subject application, save for the redaction of dates appearing on the document, all of said dates being prior to November 7, 1996.
3. Between February of 1994 and February of 1998, Dr. Elaine Krul was employed by G.D. Searle, Co., (Searle), now a wholly owned subsidiary of Pharmacia.

4. During Dr. Krul's employment by Searle, she carried out research work for our benefit and under the direction and control of one or both of us.

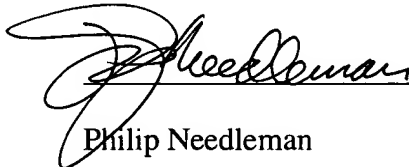
5. The research work done by Dr. Krul, or individuals working under her direction and control, during an interval ("INTERVAL") beginning on a date prior to November 7, 1996 (the date of publication of WO 96/34888) and continuing to a date subsequent to January 21, 1997 (the date of filing of U.S. Patent Application Serial No. 08/788,882 for which priority of the above-identified patent application is claimed) constitutes reasonable diligence conducted towards reducing to practice our invention claimed in the subject application. A copy of a Declaration by Dr. Krul attesting to this work is appended hereto as Exhibit 2.

6. We are over 18 years of age and of competent mind.

7. All statements made of our own knowledge are true and all statements made on information and belief are believed to be true; and further, these statements were made with the knowledge that willful, false statement so made are punishable by fine or imprisonment or both, under 18 U.S.C. § 1001 and that such willful, false statements may jeopardize the validity of the above-identified application or any patent issuing thereon

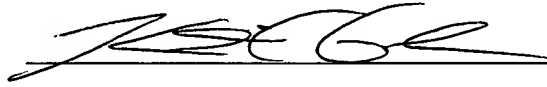
April 17 2002

Date

  
Philip Needleman

17 April 2002

Date

  
Kevin Glenn

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare:

That my residence, post office address and citizenship are as stated below next to my name.

That I verily believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

AN IMMUNOLOGICAL PROCESS AND CONSTRUCTS FOR INCREASING THE HDL  
CHOLESTEROL CONCENTRATION

the specification of which (check one)

- ☐ is attached hereto.
- ☒ was filed on January 21, 1997 as  
Application Serial No. 08/788,882  
and was amended on \_\_\_\_\_  
(if applicable)

That I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

That I acknowledge the duty to disclose information known to be material to patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

That I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate on this invention having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
			<input type="checkbox"/>	<input type="checkbox"/>
			Yes	No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>	<input type="checkbox"/>

That I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

United States Application(s)

_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status)-(Patented, pending, abandoned)
_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status)-(Patented, pending, abandoned)
_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status)-(Patented, pending, abandoned)

That all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

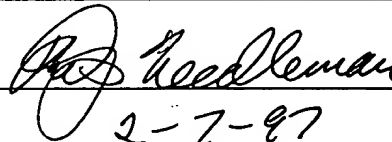
I hereby appoint the following attorneys, with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith and request that all correspondence and telephone calls in respect to this application be directed to WELSH & KATZ, LTD., 120 South Riverside Plaza, 22nd Floor, Chicago, Illinois 60606, Telephone No. (312) 655-1500:

<u>Attorney</u>	<u>Registration No.</u>
Donald L. Welsh	16,665
A. Sidney Katz	24,003
Richard L. Wood	22,839
Jerold B. Schnayer	28,903
Eric C. Cohen	27,429
Joseph R. Marcus	25,060
Gerald S. Schur	22,053
Gerald T. Shekleton	27,466
James A. Scheer	29,434
Daniel R. Cherry	29,054
Howard B. Rockman	22,190
Kathleen A. Rheintgen	34,044
Edward P. Gamson	29,381
Thomas W. Tolpin	26,700

Full name of sole or one  
joint inventor:

Philip Needleman

Inventor's signature:



Date:

2-7-87

Residence and Post Office Address:

326 New Salem Drive

Creve Coeur, MO 63141

Citizenship:

U.S.A.

Address for Correspondence:

WELSH & KATZ, LTD.  
120 Riverside Plaza, 22nd Floor  
Chicago, Illinois 60606

Full name of  
joint inventor, if any:

Inventor's signature:

Date:

Residence and Post Office Address:

Kevin Glenn

*[Signature]*

2/13/97

1816 Pheasant Run Drive

Maryland Heights, MO 63043-2868

Citizenship:

U.S.A.

Full name of additional  
joint inventor, if any:

Inventor's signature:

Date:

Residence and Post Office Address:

Dr. Elaine Krul

*Elaine S. Krul*

February 13, 1997

594 Gederson Lane

Warson Woods, MO 63122-1636

Citizenship:

~~U.S.A.~~ CANADA

EBK 3/14/97

Full name of additional  
joint inventor, if any:

Inventor's signature:

Date:

Residence and Post Office Address:

Edward P. Gamson

*Edward P. Gamson*

February 7, 1997  
2823 Summit Avenue

Highland Park, IL 60035

Citizenship:

U.S.A.

RECORDATION FORM COVER SHEET  
**PATENTS ONLY**

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Philip Needleman, Kevin C. Glenn, Elaine Krul and  
Edward P. Gamson

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other \_\_\_\_\_

Execution Date: February 7, and February 13, 1997

2. Name and address of receiving party(ies):

Name: Monsanto Company

Internal Address: \_\_\_\_\_

Street Address: 800 North Lindbergh Blvd.

City: St. Louis

State: Missouri

ZIP: 63167

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s): 08/788,882

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Edward P. Gamson, Esq.

Internal Address: WELSH & KATZ, LTD.

Street Address: 120 South Riverside Plaza  
22nd Floor

City: Chicago

State: IL

ZIP: 60606

6. Total number of applications and patents involved:

7. Total Fee (37 CFR 3.41) ..... \$40.00

☒ Enclosed

☐ Authorized to be charged to deposit account

8. Deposit account number: 23-0920

(Attach duplicate copy of this page if paying by deposit account)

**DO NOT USE THIS SPACE**

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Edward P. Gamson, Esq.  
Name of Person Signing

  
Signature

Date: April 15, 1997

Total number of pages including cover sheet, attachments, and document:

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents and Trademarks  
Box Assignments  
Washington, D.C. 20231

ASSIGNMENT

Return to:

Serial No. 08/788,882  
Filed 01/21/97

J. Timothy Keane - O4E  
Monsanto Company  
800 N. Lindbergh Boulevard  
St. Louis, Missouri 63167

WHEREAS, We, Philip Needleman, Kevin C. Glenn, Elaine Krul and Edward P. Gamson of 326 New Salem Drive, Creve Coeur, Missouri 63141, 1816 Pheasant Run Drive, Maryland Heights, Missouri 63043-2868, 594 Gederson Lane, Warson Woods, Missouri, 63122-1636 and 2823 Summit Avenue, Highland Park, Illinois, 60035 respectively, have invented certain improvements in AN IMMUNOLOGICAL PROCESS AND CONSTRUCTS FOR INCREASING THE HDL CHOLESTEROL CONCENTRATION, identified as MON-102.0, and described in a Patent Application by us on the dates set after our signatures hereto; and

WHEREAS, Monsanto Company, of St. Louis, Missouri, a Corporation of the State of Delaware, is desirous of acquiring the entire right, title and interest in and to said invention or inventions and any and all patents to be obtained therefor;

NOW, THEREFORE, in consideration of Five Dollars (\$5.00), the receipt of which is hereby acknowledged, and other valuable consideration, we do hereby sell, assign and transfer unto said Monsanto Company, its successors and assigns, the entire right, title and interest in and to said invention or inventions, as described in the aforesaid application, in any form or embodiment thereof, and in and to the aforesaid application; and in and to any applications filed in any foreign country based thereon, including the right to file said foreign applications under the provisions of the International Convention; also any improvements on said invention or inventions now or hereafter made by us during the period of our employment; also the entire right, title and interest in and to any and all patents or reissues or extensions thereof to be obtained in this or any foreign country upon said invention, inventions, or improvements and any divisional, continuation, continuation-in-part or substitute applications which may be filed upon said invention, inventions, or improvements in this or any foreign country; and we hereby authorize and request the issuing authority to issue any and all patents on said application or applications to said Monsanto Company, as assignee of the entire interest.

We further agree, without any payment by Monsanto Company other than expenses incurred by the undersigned, to communicate to said Monsanto Company, its representatives or agents, any facts relating to said invention, inventions or improvements, including evidence for interference purposes or for other legal proceedings, whenever requested; testify in any interference or other legal proceedings, whenever requested; and execute and deliver, on

request, all lawful papers required to make any of the foregoing provisions effective.

IN TESTIMONY WHEREOF, we have hereunto set our hands and seals on the dates set after our signatures.

(L.S.) *Philip Needleman*, February 7, 1997  
Philip Needleman

(L.S.) *Kevin C. Glenn*, February 13, 1997  
Kevin C. Glenn

(L.S.) *Elaine S. Krul*, February 13, 1997  
Elaine Krul

(L.S.) *Edward P. Gamson*, February 7, 1997  
Edward P. Gamson

State of Missouri )  
County of St. Louis ) ss.

On this 7th day of February, 1997, before me personally appeared Philip Needleman, ~~Kevin C. Glenn~~, ~~Elaine Krul~~ and Edward P. Gamson to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed. In testimony whereof I have hereunto set my hand and official seal the day and year last above written.

*Karol J. Wilder*  
Notary Public

My Commission expires 9/25/98

**KAROL J WILDER  
NOTARY PUBLIC — NOTARY SEAL  
STATE OF MISSOURI  
ST. LOUIS COUNTY  
MY COMMISSION EXP. SEPT 25, 1998**

On this 13th day of February, 1997, before me personally appeared Kevin C. Glenn and Elaine Krul to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed. In testimony whereof I have hereunto set my hand and official seal the day and year last written above.

*Karol J. Wilder*  
Notary Public

My Commission Expires

**KAROL J WILDER  
NOTARY PUBLIC — NOTARY SEAL  
STATE OF MISSOURI  
ST. LOUIS COUNTY  
MY COMMISSION EXP. SEPT 25, 1998**